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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bill J. Pope
Serial Number: 10/755,152
Filed: 01/09/2004
Art Unit: 3738
Examiner: Isabella, David J.
For: Prosthetic Joint Component Having at Least One Sintered...
Old Attorney Docket: 6065.1 P
New Attorney Docket: 3773.DIMC.DV

DECLARATION OF STAN DESPRES

I, Stan Despres hereby declare:

I am of sufficient age and am competent to make this declaration,

I am Vice President of Research and Development and Engineering for Diamicron, Inc.

Diamicron, Inc. is the assignee of the entire right, title, and interest in the above-referenced patent application.

I have been personally involved in directing the prosecution of the above-referenced patent application on behalf of Diamicron, Inc.

Diamicron, Inc. entrusted the preparation, filing, and prosecution of the above-referenced application to Dan McCarthy, a licensed patent attorney.

When recent attempts to contact Mr. McCarthy were unsuccessful and went unanswered, Diamicron, Inc. engaged Bateman IP Law Group to continue prosecution of its patent work, and

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02 FB:2202

105.00 DP
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transferred its patent work, including the above-referenced application, to Bateman IP Law Group.

In transferring its patent work to Bateman IP Law Group, Diamicron, Inc. became aware of the Office Action which was mailed on October 11, 2006 and the Notice of Abandonment which was mailed on June 18, 2007.

Diamicron, Inc. was not previously aware of the Office Action of October 11, 2006 or the Notice of Abandonment of June 18, 2007.

Upon transferring its patent work to Bateman IP Law Group, Diamicron, Inc. promptly sought to revive any applications or patents which had become abandoned and to respond to any outstanding office actions, including reviving the above-reference application.

The entire delay in filing the required reply to the Office Action of October 11, 2006 was unintentional.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated this 2 day of October, 2007.



Stan Despres

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